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IMMEDIATE RELEASE

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ICC Gives New Hope for the Democratic Republic of the Congo ***New Report Examines the Role the ICC Can Play in Ending Conflicts***

WASHINGTON, D.C. – Today the International Criminal Court's (ICC) Chief Prosecutor Luis Moreno Ocampo announced the opening of the Court's first formal investigation, into the alleged atrocities in the Democratic Republic of the Congo (DRC). Citizens for Global Solutions also launched its new report "***In Uncharted Waters: Seeking Justice Before the Atrocities Have Stopped, The International Criminal Court in Uganda and the Democratic Republic of the Congo***".

The government of the DRC asked in April 2004 for the ICC's help in investigating and prosecuting crimes in their country. In the midst of on-going violence and atrocities in the DRC, the ICC Prosecutor has determined that enough evidence already exists to begin building cases against individual perpetrators in the DRC.

The ICC is the only permanent international court to try individuals accused of genocide, war crimes and crimes against humanity when national courts cannot or will not. It will only take up the most serious violations of human rights, and only pursue those most responsible for their commission.

Citizens for Global Solutions' report, authored by International Law and Justice Program Manager Maggie Gardner, explores the role the ICC can play in resolving the conflicts in the DRC and Uganda, the first two cases referred to the ICC by their own leaders.

Maggie Gardner said, "Citizens for Global Solutions' new report shows not only how tragic these conflicts are, but also how much good the ICC potentially could do in these countries. The report calls on President Bush to exercise his authority to waive standing U.S. prohibitions on cooperation with the Court. Because the U.S. has tied its hands with bad laws and bad policies, we will unfortunately be able to do very little to assist the ICC in building peace and justice in Uganda and the DRC without this waiver."

The Bush Administration has rejected the ICC on the grounds that it could be used for politically motivated campaigns against Americans.

"The Court is functioning as intended, not as its detractors said it would. The ICC is focusing on situations of extreme and on-going brutality, in cooperation with governments, and only where there is no other avenue for justice. It is a shame that we are not part of this important new mechanism for international justice, especially as the U.S. has strong national security interests in building peace in the DRC and Uganda," said Heather Hamilton, Vice President for Programs, Citizens for Global Solutions.

The conflict in the DRC is fuelled in large part by its enormous reserves of metals and minerals, like gold, uranium, oil and coltan (a rare mineral required for cell phones, laptops and other electronic equipment). A UN Panel of Experts have established that the leaders behind these atrocities have connections to international organized crime, terrorist organizations like Hezbollah, illegal arms trading and counterfeiting of U.S. currency.

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Notes to Editors:

Citizens for Global Solutions is a nonpartisan membership organization that works for cooperative U.S. global engagement and supports strong and effective international institutions, to solve problems nations cannot solve alone.

In Uncharted Waters provides background on the structure and policies of the ICC, the conflicts and prospects for peace in both countries, and what role the ICC might play in building peace and justice in these neighboring states. The report is based on extensive research and interviews with humanitarian aid groups, human rights organizations, local civil society members, and international law experts.

Full text of the report can be found at

http://www.globalsolutions.org/programs/law_justice/icc/resources/uncharted_waters.pdf

The International Criminal Court Office of the Prosecutor Press Release may be read at:

<http://www.icc-cpi.int/newspoint/pressreleases.html>

Executive Summary

Uganda and the Democratic Republic of the Congo (DRC), two countries blessed with vibrant societies and abundant natural wealth, have nevertheless been wracked by long and brutal conflicts. The wars in northern Uganda and the Ituri district of the DRC have primarily targeted civilians through the routine and systematic practice of rape, mass murder, mutilation, forced labor and the use of child soldiers. These conflicts involve atrocities the scale of which the world cannot, and must not, ignore. Not only are these crimes universally unacceptable, but the environment which they help sustain – one of chaos, organized crime, money laundering and arms trading – is a threat to the security of us all.

One possible tool for helping resolve these conflicts and rebuild these societies is the new, permanent International Criminal Court (ICC). The ICC has jurisdiction over war crimes, crimes against humanity and genocide committed in Uganda or the DRC since July 1, 2002, if no national judicial system is willing or able to handle these cases. Building from the lessons of the ad hoc tribunals of the 1990s, the ICC includes extensive protections for victims and witnesses, including the possibility of reparations. Children and victims of sexual violence are assured especially sensitive treatment and assistance by the Court. The ICC's Prosecutor, Luis Moreno Ocampo of Argentina, has emphasized that he will work cooperatively with countries to pursue only those most responsible for the most serious crimes, and only when there is a clear failure of national courts to take up legitimate allegations of atrocities.

Uganda and the DRC, both full members of the ICC, have recently requested that the ICC investigate atrocities being committed on their territory. Prosecutor Moreno Ocampo is expected to announce in summer 2004 whether he will be opening formal investigations into these two situations. These referrals have raised hopes as well as concerns among civil society observers. Ideally, the ICC can help deter ongoing atrocities, end cycles of violence and restore the rule of law. If not pursued carefully and at the appropriate time, however, ICC action could disrupt peace negotiations or spark further violence. Representatives of humanitarian aid organizations, human rights advocates, local civil society members and international legal experts hope that ICC investigations in these countries could:

- Draw attention to oft-forgotten conflicts,
- Deter ongoing crimes,
- Force government and military reform, and
- Satisfy the desire for justice among the civilian population.

If the ICC were to launch full investigations, it would have to tread carefully so as to advance, not harm, the possibilities for peace. Observers expressed concern that the ICC must:

- Avoid any semblance of partiality,
- Ensure investigations yield visible results in a timely fashion,
- Work locally and communicate with the affected population,
- Ensure that justice efforts promote a sustainable peace, and
- Work with local and national civil society to determine the most appropriate mix of justice and reconciliation mechanisms.

The ICC's work will require close cooperation with the international community, which observers stressed must:

- Assist in meeting the practical, on-the-ground needs of successful investigations and prosecutions,
- Supplement the ICC with other justice efforts, and
- Use diplomatic leverage to help further peace and justice in Uganda and the DRC.

With these hopes and concerns in mind, Citizens for Global Solutions believes that, if applied carefully and with the full use of its provisions for victims and witnesses, the ICC could play a positive role in furthering the resolution of these conflicts while laying the groundwork for long-term reconciliation and stability. Both the ICC and individual nations will have to evaluate these situations carefully and cooperate effectively if the application of justice in the DRC and Uganda is to further the prospects of peace. If done correctly, the prosecution of those most responsible for atrocities at the ICC could help deter ongoing crimes while fostering the rule of law and societal reconciliation. Such an outcome would provide the international community with an important new strategy for building global peace and security.

Recommendations

For the International Criminal Court:

- Carefully weigh the potential impact of judicial action on the peace process in these countries, especially if there is a significant breakthrough in negotiations;
- Work locally, involve civil society, and conduct extensive outreach with the affected populations;
- Investigate all sides fairly and transparently;
- Ensure that investigations yield visible results soon, and keep people in these countries informed of the Court's progress;
- Ensure the safety and confidentiality of all witnesses;
- Help all victims and witnesses obtain appropriate medical and psychological support;
- Work with the national governments to divide caseloads, thereby preventing an "impunity gap"; and
- Work with other countries to freeze the assets of those indicted, so that if found guilty, those who profited from these wars will be forced to pay restitution to those they terrorized.

For the international community:

- Cooperate with ICC investigations, especially in helping track the "elite networks" that are fueling and profiting from the war in Ituri;
- Enforce ICC arrest warrants against any wanted person who enters their territory;
- Provide MONUC with adequate support and mandate to provide security for ICC investigators and witnesses and to help apprehend those wanted by the Court;
- Support domestic judicial reform and other justice and reconciliation mechanisms in these two countries to leverage and complement the work of the ICC;
- Pressure President Museveni to reform the Ugandan army and to more actively seek a negotiated settlement to this conflict; and
- Pressure the Khartoum government to cut off all support to the LRA, prosecute those who continue to aid the LRA, and make a good-faith effort to enforce any arrest warrants issued by the ICC.

For the United States:

Even though it currently does not support the ICC, the U.S. should help the Court in cases where doing so will further peace and justice in war-torn regions.

- Once the ICC has announced specific cases, the President should waive the standing prohibition against cooperation with the ICC so the U.S. can help bring these warlords to justice.
- The U.S. should continue to investigate all U.S.-based companies and individuals implicated by the UN Panel of Experts in the illegal exploitation of the DRC's resources.
- The U.S. should also increase its pressure on Uganda to resolve its war peacefully, while encouraging Sudan to stop supporting, once and for all, the rebels that are terrorizing northern Uganda.